



Brotherhood of Locomotive Engineers

10 G STREET, N.E., SUITE 480
WASHINGTON, DC 20002
TELEPHONE: (202) 347-7936
FAX: (202) 347-5237

DEPT OF TRANSPORTATION
MAR 10 2002

02 MAR -8 PM 4:32

March 7, 2002

Docket Management System
United States Department of Transportation
Room PL—401
400 7th Street, SW.
Washington, DC
20590-0001

RE: FRA Docket No. FRA-2001-8728, Notice No. 1 - 17

Dear Docket Clerk:

The Brotherhood of Locomotive Engineers (BLE) is the duly designated and authorized collective bargaining representative under the Railway Labor Act, 45 U.S.C. §§151 et seq., of the craft and class of locomotive engineers on all major class 1 railroads in the United States and Canada. BLE is the representative for locomotive engineers affected by dispatching operations throughout the United States as well as those in Canada. In the matter presented in this docket, this office of the BLE will represent only those members who are subject to the dispatching operations in the United States and not our members in Canada.

BLE supports the Federal Railroad Administration (FRA) Interim Final Rule for U. S Locational Requirements for Dispatching of U.S. Rail Operations as proposed in §49 CFR Part 241. BLE requests FRA to give consideration and support for the position of the American Train Dispatchers Department of the Brotherhood of Locomotive Engineers (ATDD-BLE) with particular attention being paid to the recommendations for the placement of conditions on "grandfathering".

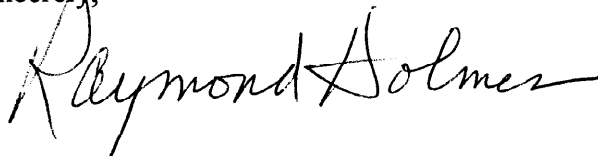
BLE recognizes the value of having trains dispatched by someone familiar with the territory of an operation. More important, dispatchers and train crews must have a common language and understanding of the workplace. BLE does not believe, in the least, that this matter is about job protection. It is about safety of rail operations. Locomotive engineers, among other safety critical functions they perform, are vital links with the train dispatcher and, as a team, move trains over the territory. When everything is working properly the primary communication between dispatchers and train crews are the signals, track warrants, or other equally safe and proven methods. When things go wrong, such as signal failures, adverse weather conditions, train emergencies, or times of disaster, a dispatcher's knowledge of the territory is absolutely critical to safety. The dispatchers familiarity of the physical characteristics of a territory and a good working relationship among all employees assigned to field and train operations are key to the preservation of both safety and efficiency.

The same technology that permits centralized dispatching also permits distributed dispatching. This does not seem to be a problem given the capability of transferring information over great distances instantaneously. Therefore, we see no impediment to a railroad basing its operations in their country while continuing to dispatch U.S. operations from within the borders of the U.S. The information generated at a U.S. facility can easily be transferred to its extraterritorial dispatch center. What is essential is that the safety critical elements of a dispatching operation, its records, and employees who dispatch trains operated in the U.S. are subject to FRA jurisdiction.

If FRA determines the outcome of the Final Rule solely on the basis of the comment to date, it would appear that this is a matter relevant only to our good neighbors from Canada. The reality is: the issue is not about a comparison of the safety culture between Canadian and U.S. railroads, which are quite similar, but rather it is about the authority of the FRA to oversee the safety critical functions of train dispatching from any location other than the U.S. Safety cultures in railroading are as varied as the greater cultures from where they come. FRA must retain its authority to regulate railroad dispatching.

According to §241.5 of the Interim Final Rule, the term "*Extraterritorial dispatching* means the act of dispatching, while **located outside of the United States**, a railroad operation that occurs in the United States." (emphasis added) This rule is not directed at a specific country, continent, or hemisphere. The rule is a proactive and prudent response to a changing railroad environment. It recognizes the safety critical nature of dispatching operations and the responsibility FRA has to railroad employees and the general public. As this is the real issue here, BLE locomotive engineers in the U.S. fully support the Interim Rule with the modifications suggested by BLE-ATDD.

Sincerely,

A handwritten signature in black ink, reading "Raymond Holmes". The signature is fluid and cursive, with the first name "Raymond" written in a larger, more prominent script than the last name "Holmes".

Raymond A. Holmes, Vice President and
National Legislative Representative

cc: Advisory Board
Brotherhood of Locomotive Engineers